

A PANAMA PRIMER

Much of the present controversy over the question of Panama tolls is a misunderstanding due to ignorance of the factors of the problem. It has often happened that prominent men in speaking on the subject both in Congress and out have betrayed the fact that they had never read the treaties whose interpretation they were discussing. It must be remembered that this is no new question. The Panama Canal has been under discussion for nearly four centuries and the rivalry between Great Britain and the United States for the control of the interoceanic routes began some seventy years ago. Perhaps the best way to present the salient points of this long diplomatic history is in the form of the old-fashioned catechism with proof-texts.

Q. Why can't we do what we like with a canal constructed on our own land?

A. The Canal Zone is not our own land. It belongs to the Republic of Panama. We have "the use, occupation and control" of it for canal purposes. (Hay-Bunau-Varilla Treaty, Art. II, III.)

Q. But at least it is our own Canal, for we built it. Why have we not the right to discriminate in favor of our own shipping in the matter of tolls on our own Canal?

A. Because we promised both Great Britain and Panama to open the Canal to the vessels of all nations "on terms of entire equality." (Hay-Pauncefote Treaty, Art. III, Clause I; Hay-Bunau-Varilla Treaty, Art. XVIII.)

Q. Has not the change of sovereignty due to the secession of Panama released us from the obligations of the Hay-Pauncefote Treaty?

A. No, because that treaty expressly provides that "no change of territorial sovereignty" shall affect its provisions. (Hay-Pauncefote Treaty, Art. IV.)

Q. Why did we have to get the consent of Great Britain in 1901 before undertaking the Canal?

A. Because in 1850 the two nations had agreed that neither would obtain or exercise any exclusive control or acquire any dominion or take any advantage over any interoceanic canal or railroad. (Clayton-Bulwer Treaty, Art. I, VIII.)

Q. What was the state of affairs at the time when the Clayton-Bulwer Treaty was negotiated?

A. Great Britain had control of the Nicaragua route and the United States had control of the Panama route.

Q. How did Great Britain secure control of the Nicaragua route?

A. Because our Government refused to confirm the treaties signed by our envoys, Hise and Squiers, in 1849, by which Nicaragua gave to the United States the exclusive right to construct a canal across the Isthmus of Nicaragua and to protect it by fortifications.

Q. Has such an opportunity come to us since?

A. Yes, a treaty with Nicaragua of even greater advantage to us is now held up in the Senate.

